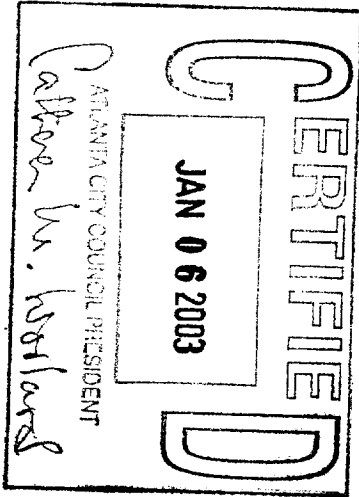


Entered 04-26-00-tew
CL 00L0252 - GWENDOLYN BURNS

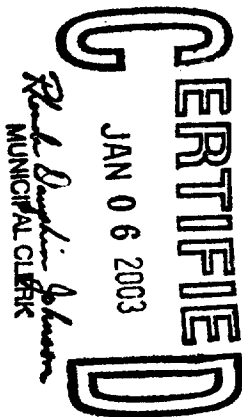
CLAIM OF: PENI KING
2289 Hylaea Road
Tucker, Georgia 30084

02-*P*-2143



For bodily injuries alleged to have been sustained from a tree that had fallen across the street during the Dogwood Festival on April 8, 2002 at Piedmont Park.

THIS ADVERSED REPORT IS
APPROVED



BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSED BY
CITY COUNCIL JAN 06 2003

ADVERSE REPORT

COMM: _____
DATE: _____
CHAIR: _____
_____ *Carla Smith* _____
_____ *C. + M. Watson* _____
_____ *Heidi Smith* _____



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

January 14, 2003

Peni King
2289 Hylaea Road
Tucker, GA 30084

02-R-2143

Dear Mr. King:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on January 6, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0252

Date: November 26, 2002

Claimant /Victim PENI KING
BY: (Atty) (Ins. Co.) _____
Address: 2289 Hylaea Road, Tucker, Georgia 30335
Subrogation: _____ Claim for Property damage \$ _____ Bodily Injury \$ unspecified
Date of Notice: 4/18/00 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 4/8/00 Place: Piedmont Park
Department PARKS, RECREATION AND CULTURAL AFFAIRS Division Parks
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that while attending a function in the park she sustained bodily injuries when a tree fell across the park street. However, the claimant has failed to pursue her claim. Notwithstanding this fact, an investigation determined that the tree fell as a result of high winds. Further inquiries revealed that the City had no notice of any problems with the subject tree prior to the date of incident.

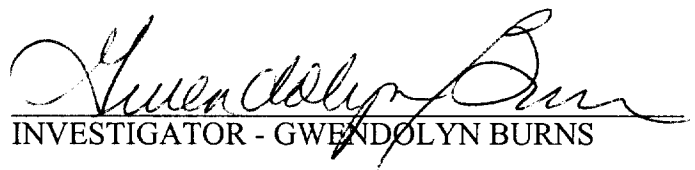
INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other X
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

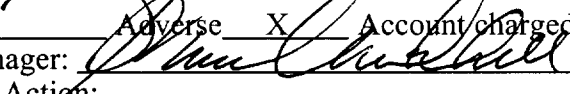
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned X

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2P01 _____ 2H01 _____
Claims Manager:  Concur/date 11-27-02
Committee Action: _____ Council Action _____

RCS# 4344
1/06/03
2:10 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-7; Except 02-O-1853; 02-R-1770
 02-R-2007; 02-R-2056
 ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	NV Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
NV Young	Y Shook	Y Maddox	NV Willis
Y Winslow	NV Muller	Y Boazman	NV Woolard

CONSENT I

1/06/03 Council Meeting

**ITEMS ADOPTED ON CONSENT
AGENDA**

1. 02-O-2008
2. 02-O-2071
3. 02-O-2175
4. 02-O-2170
5. 02-O-2171
6. 02-O-2024
7. 02-O-2172
8. 02-R-2130
9. 02-R-2157
10. 02-R-2158
11. 02-R-2159
12. 02-R-2186
13. 02-R-1964
14. 02-R-1965
15. 02-R-2067
16. 02-R-2134
17. 02-R-2135
18. 02-R-2136
19. 02-R-2137
20. 02-R-2138
21. 02-R-2139
22. 02-R-2140
23. 02-R-2141

**ITEMS ADVERSED ON CONSENT
AGENDA**

24. 02-R-2142
25. 02-R-2143
26. 02-R-2144
27. 02-R-2145
28. 02-R-2146
29. 02-R-2147
30. 02-R-2148
31. 02-R-2149
32. 02-R-2150
33. 02-R-2151
34. 02-R-2152
35. 02-R-2153
36. 02-R-2154
37. 02-R-2155
38. 02-R-2156

Consent I Vote: 11Yeas; 0 Nays (See RCS #4344)

Items Removed from the Consent Agenda: 02-O-1853; 02-R-1770; 02-R-2007; 02-R-2056